



Mandated Reporters for Adult Abuse, Neglect and Exploitation

We need your help



- In FY 2003, nearly 12,000 reports of adult abuse, neglect and/or exploitation were reported in Virginia
- More than 60 percent were substantiated
- An estimated 63,000 abusive situations were unreported

In this course, you will learn:

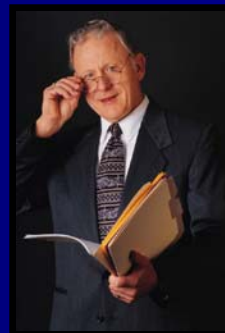
- **How, when, what and to whom to report suspected adult abuse, neglect and exploitation**
- **Which professionals are required to report**
- **The rights and responsibilities of mandated reporters**
- **Indicators of adult abuse, neglect and exploitation**
- **What Adult Protective Services is and what it does, and its goals**



What is a mandated reporter?

- A mandated reporter is an individual who is required by Virginia law to immediately report situations in which they suspect an adult may have been abused, neglected and/or exploited, or is at risk of being abused, neglected and/or exploited

Examples of mandated reporters



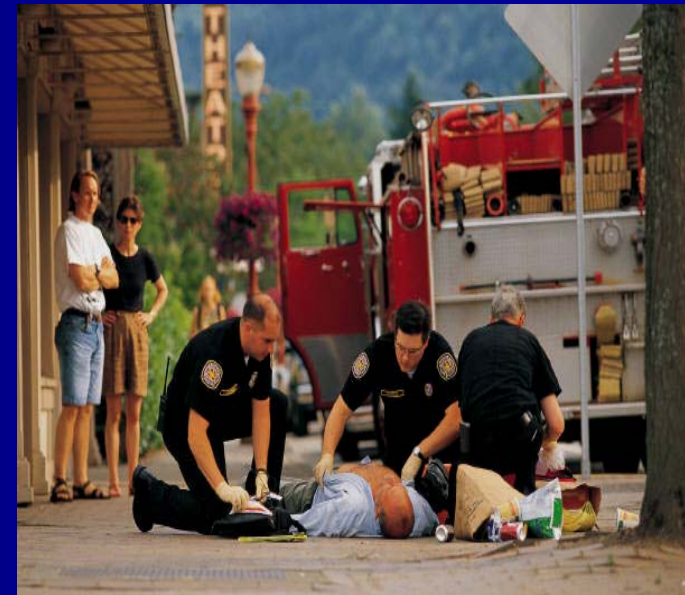
Mandated reporters

- Any person licensed, certified, or registered by health regulatory boards listed in 54.1-2503 of the *Code of Virginia*, except persons licensed by the Board of Veterinary Medicine
- Any mental health services provider as defined in § 54.1-2400.1



Mandated reporters (2)

- Any emergency medical services personnel certified by the Board of Health pursuant to § 32.1-111.5
- Any guardian or conservator of an adult
- Any person employed by or contracted with a public or private agency or facility and working with adults in an administrative, support or direct care capacity



Mandated reporters (3)

- Any person providing full, intermittent or occasional care to an adult for compensation, including but not limited to companion, chore, homemaker and personal care workers
- Any law-enforcement officer



For this purpose

- Adults are:
 - Persons 18 years old or older who are incapacitated
 - Persons age 60 and older



What is an incapacitated person?

- An adult who is impaired by
 - mental illness
 - mental retardation
 - physical illness or disability
 - advanced age
 - other causes
- To the extent that the adult lacks sufficient understanding or capacity to make, communicate or carry out reasonable decisions regarding his/her well-being

Employers of mandated reporters

- Must notify mandated reporters of their obligation to report
- May establish in-house procedures for reporting
- Cannot prohibit employees from reporting directly to APS



When do I report?

- Mandated reporters are required to report situations they encounter while performing their official job duties
- The report must be made immediately upon becoming aware of the situation of abuse, neglect and/or exploitation



What do I report?

- The age of the abused individual (60 years or more, or 18 years or more and incapacitated)
- The identity of the adult or location of the adult about whom the report is being made
- The circumstances about the risk or suspected abuse, neglect and exploitation

Where do I report?

- The Adult Protective Services Unit of your local Department of Social Services in which the adult resides or in which the abuse, neglect or exploitation occurred
- If appropriate, to law enforcement and the medical examiner
- The 24-hour Virginia Department of Social Services Adult Abuse Hotline

1 (888) 83-ADULT (832-3858)

Other reporting requirements

- Any reporter who suspects that an adult has died as a result of abuse or neglect must notify the appropriate medical examiner and law enforcement
- Suspected sexual abuse must be reported to social services and to law enforcement agency
- Other criminal activity involving abuse or neglect that puts an adult in danger of death or harm must be reported to law enforcement

Responsibilities of mandated reporters

- Report immediately
 - Local Department of Social Services
 - State Adult Abuse Hotline
1 (888) 83-ADULT (832-3858)
 - If appropriate, law enforcement and medical examiner
- Share information, records or reports that document the basis for the investigation
 - This includes information that is normally considered confidential



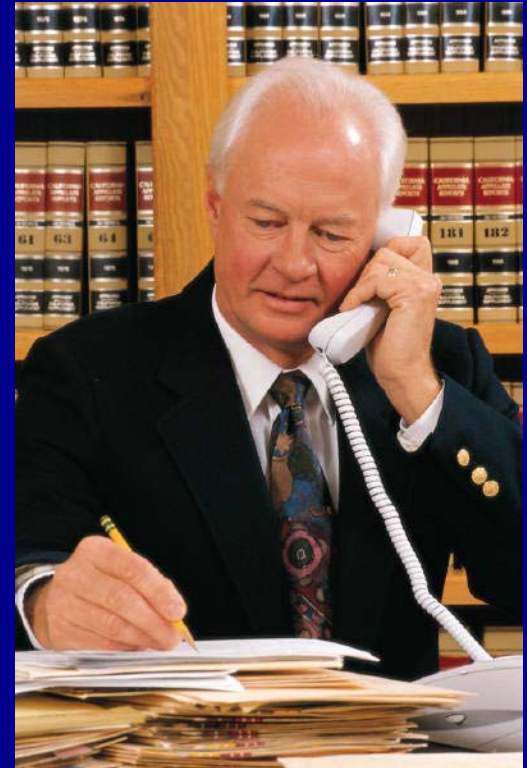
Note to medical providers

- Health Insurance Portability and Accountability Act (HIPAA) allows health care providers to release medical records of individuals who are, or are suspected of being, victims of abuse, neglect or exploitation in states that have laws that require the release of such information
- Virginia law requires mandatory reporters to share information relevant to an APS investigation



Rights of mandated reporters

- Immunity from civil and criminal liability
- Protection of identity
- Permitted to release confidential information without penalty



Is there a penalty for failure to report?

- Yes



Penalties for failure to report

- First failure is punishable by a civil penalty of not more than \$500
- Subsequent failures may result in penalties between \$100 and \$1,000
- Penalties for failures by law enforcement personnel will be determined by the court

What is adult abuse?

- Willful infliction of physical pain, injury or mental anguish or unreasonable confinement
 - Kicked, punched, slapped or beaten
 - Raped
 - Unfairly confined
 - Behavior strictly controlled
 - Purposely isolated or denied companionship
 - Overmedicated or medication withheld

Indicators of abuse

- Dehydration or malnutrition
- Broken bones
- Pain from touching
- Scratches, punctures, burns, bruises
- Soiled clothing or bed

Indicators of abusive caregiving

- Forces isolation
- Shows lack of affection or care for the adult
- Communicates to others that the adult is a burden
- Has conflicting stories or accounts of accidents
- Prevents adult from speaking or visiting with others, including friends and family
- Displays inappropriate sexual language or relationship
- Has a history of criminal behavior or family violence



What is sexual abuse?

- An act committed with the intent to sexually molest, arouse or gratify any person
 - Intentional touching intimate parts or material covering them
 - Forcing the adult to touch the adult's own or another's intimate parts or material covering them
 - Forcing another person to touch the adult's intimate parts or material covering them

What is neglect?

- Living under such circumstances that the adult is not able to provide, or is not provided, services to maintain physical and mental health and well-being
 - Failure to provide medication, food, personal care or shelter
 - Unsanitary conditions or no heat
 - Withholding hearing aids, eyeglasses, dentures

What is exploitation?

- Illegal use of the adult's resources for another's profit or advantage
 - Stealing or mismanaging money, property, savings or credit cards
 - Forcing an adult to sign a will or turn over assets



Signs of financial exploitation

- Missing personal belongings
- Suspicious signatures
- Frequent checks made out to “cash”
- Adult has no knowledge of monthly income
- Numerous unpaid bills
- Tax return discrepancies
- Large bank withdrawal
- Unusual bank activity
- A changed will

Signs of psychological abuse

- Depression
- Lack of communication and talking
- Isolation or withdrawal
- Anxiety
- Anger
- Repeated change of health care professionals



After you report



- Adult Protective Services
 - Receives and evaluates the report
 - Investigates
 - Determines if services are needed
 - Provides services, if accepted
 - Makes a disposition
 - Notifies the mandated reporter that the report has been investigated

Adult Protective Services

- Administered by the Virginia Department of Social Services and provided through 120 local departments of social services
- Units in local departments receive and investigate reports of adult abuse, neglect and exploitation and provide needed protective services

APS philosophy

- Adults have the right to
 - Be treated with dignity and respect
 - Refuse assistance
 - Make their own choices about how and where they will live
 - Privacy



APS goals

- Stop abuse, neglect and exploitation by protecting the adult with the least restriction of his/her liberty
- Assist the adult in remaining in his/her home as long as possible and appropriate
- Restore independent functioning to the greatest extent possible
- Assist in arranging out-of-home placement when appropriate, the adult or guardian consents, or the court orders emergency placement

What APS cannot do

- Force protective services upon a competent adult who refuses services
- Take an endangered adult into custody
- Investigate when the alleged victim is no longer at risk

Possible dispositions

- Needs protective services
 - Adult accepts services
 - Adult refuses services
- Need for protective services no longer exists
 - The abuser no longer has access to the adult or the adult has been removed from the situation
- Unfounded
 - There was no evidence of abuse, neglect or exploitation

Support services for adults

- To maintain adult in his or her home
 - Home-based companion, chore and homemaker services
 - Day services
 - Other purchased services
- Alternative living arrangements
 - Adult foster care
 - Assisted living facility
 - Nursing facility



Questions

If you have questions about reporting suspected adult abuse, neglect and/or exploitation, or other questions regarding your status as a mandated reporter, call:

Dorothy Endres (757) 491-3980

Barbara Jenkins (804) 662-9783

Carol McCray (276) 676-5636

Bill Parcell (540) 857-7448

Richard Pyle (804) 662-9786

David Stasko (540) 347-6313

You are key

- Report suspected abuse, neglect and exploitation
- You can help vulnerable adults suffering in silence have safer, happier and more productive lives



APS Hotline

- Virginia Department of Social Services
- Toll-free 24-hours every day

1 (888) 83-ADULT
(1 (888) 832-3858)

Thank you

